IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.1161 OF 2005
IN
WRIT PETITION NO.1495 OF 2002

Roche/Anglo-French Employees' Union .. Appellant

v/s.

Anglo French Drugs and Industries Ltd. .. Respondent

Mr.P.M.Mokashi with Mr.S.P.Mokashi for the appellant.

Mr.C.U.Singh, Senior Counsel with Ms.Geetanjali Prabhu and Mr.Sanjay Udeshi i/by M/s.Sanjay Udeshi & Co. for the respondent.

CORAM : R.M.LODHA AND
ANOOP V. MOHTA, JJ.

DATED : 9th January, 2006

P.C.

Heard Mr.P.M.Mokashi, the learned counsel for the appellant and Mr.C.U.Singh, the learned Senior Counsel for the respondent.

2. In paragraph 17 of the impugned order, the learned Single Judge has referred to the evidence of the two workmen. On consideration of the said evidence in paragraph 18 of the impugned order, the learned Single Judge concluded thus-

> "In the present case, therefore, once the factum of closure has been established, as it was in view of the clear admissions of the workmen themselves, there was no occasion for the Industrial or Labour Courts to hold that the dispensation of the services of the workmen under and in pursuance of the closure amounted to an alteration of their conditions of service within the meaning of Section 33 of the Industrial Disputes Act, 1947."

3. The conclusion arrived at by the learned Single Judge does not suffer from any legal infirmity.

4. We concur with the view of the learned Single Judge. No interference is called for in the appeal. Dismissed in limine.

(R.M. LODHA, J.)

(ANOOP V. MOHTA, J.)